

Amendments to the Claims:

Claims 1-10. (Cancelled)

Claim 11. (Currently amended) A substantially pure *Yatapoxvirus* nucleic acid molecule having at least 99% nucleic acid sequence identity to SEQ ID NO:5, wherein said nucleic acid molecule encodes a *Yatapoxvirus immunomodulatory* polypeptide that modulates mammalian immunosuppression, immunostimulation, cell proliferation, or apoptosis, or decreases T cell stimulation or inflammation.

Claim 12. (Original) The nucleic acid molecule of claim 11, wherein said nucleic acid molecule is selected from the group consisting of genomic DNA, cDNA, and mRNA.

Claim 13. (Original) The nucleic acid molecule of claim 11, wherein said nucleic acid molecule comprises a nucleotide sequence that encodes a polypeptide with an identifiable signal sequence.

Claim 14. (Cancelled)

Claim 15. (Original) The nucleic acid molecule of claim 11, wherein said nucleic

acid molecule encodes a tanapox virus polypeptide.

Claim 16. (Previously presented) The nucleic acid molecule of claim 11, wherein said nucleic acid molecule encodes a polypeptide comprising an amino sequence that is 99% identical to the amino acid sequence SEQ ID NO: 4.

Claim 17. (Previously presented) The nucleic acid molecule of claim 16, wherein said nucleic acid molecule encodes a polypeptide comprising the amino acid sequence of SEQ ID NO: 4.

Claim 18. (Previously presented) The nucleic acid molecule of claim 11, wherein said nucleic acid molecule comprises a nucleotide sequence that is 99% identical to the nucleotide sequence of SEQ ID NO: 5.

Claims 19 - 21. (Cancelled)

Claim 22. (Original) A vector comprising the nucleic acid molecule of claim 11.

Claim 23. (Previously presented) The vector of claim 22, wherein said vector is a mammalian expression vector.

Claim 24. (Original) A cell comprising the vector of claim 22.

Claim 25. (Previously presented) The vector of claim 22, wherein said nucleic acid molecule is operably linked to regulatory sequences for expression of a tanapox virus polypeptide and wherein said regulatory sequences comprise a promoter.

Claim 26. (Original) The cell of claim 24, wherein said cell is selected from the group consisting of a human cell, a primate cell, and a rodent cell.

Claims 27-58. (Cancelled)

Claim 59. (New) A nucleic acid molecule comprising SEQ ID NO:5.

Claim 60. (New) A nucleic acid molecule that consists of SEQ ID NO:5.

Claim 61. (New) A nucleic acid molecule comprising a sequence encoding SEQ ID NO:4.

Claim 62. (New) A nucleic acid molecule consisting of a sequence that encodes

SEQ ID NO:4.